

APPENDIX A

[illegible]

F

10

100

1. *Chlorophyll a* and *Chlorophyll b* were determined by the method of Arar and Collins (1971).

Five

[illegible]

Applicant:
Serial No.:
Filed:
For:

Jc530 U.S. PTO
 08/980523
 12/01/97

Attorney(s):
Docket No.:
Date of Dep

Enclosure(s):

CSB:clg

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LYON & LYON LLP

A LIMITED LIABILITY PARTNERSHIP
INCLUDING PROFESSIONAL CORPORATIONS

SUITE 660

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LEONARD S. LYON (1896-1964)

December 1, 1997

Attorney Docket No. 230/045

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* A PROFESSIONAL CORPORATION
** MEMBER OF DISTRICT OF COLUMBIA BAR
*** MEMBER OF WASHINGTON BAR

BOX Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Enclosed is a patent application as follows:

Applicants: Haruhiku Kouhara; Taly Spivak-Kroizman; James
W. Schilling, Jr.; Irit Lax; and Joseph
Schlessinger

Title: ADAPTOR PROTEIN FRS2 AND RELATED PRODUCTS AND
METHODS

No. Pages of Specification: 52

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as Express Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

TB608349951US
Express Mail mailing no.

December 1, 1997
date of deposit

Carnetha Gonzalez
name of person mailing paper

Carnetha Gonzalez
signature of person mailing paper

SSSD/69144.v01

No. Pages of Claims: 5

No. Pages of Abstract: 1;

No. Pages of Sequence Listing: 0;

No. Sheets of Drawings: 1.

If this application is found otherwise to be incomplete, or if at any time appears that a telephone conference with counsel would helpfully advance prosecution, please telephone the undersigned in La Jolla, California (619) 552-8400.

Please direct all correspondence to the following:

Richard J. Warburg, Esq.
LYON & LYON LLP
633 West Fifth Street
Suite 4700
Los Angeles, CA 90071

Kindly acknowledge receipt of the foregoing application by returning the self-addressed postcard.

Respectfully submitted,

LYON & LYON LLP

Charles S. Berkman
Registration No. 38,077

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633 West Fifth Street
Suite 4700
Los Angeles, CA 90071
(619) 552-8400

Enclosures

APPENDIX B

[illegible]



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
--------------------	---------------------	-----------------------	---------------------------

08/980,523 12/01/97 KOUHARA H 230/045

RICHARD J. WARBURG
LYON & LYON
633 WEST FIFTH STREET
SUITE 4700
LOS ANGELES CA 90071

NOT ASSIGNED

1643
DATE MAILED:

03/03/98

Missing Parts due.

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. However, the items indicated below are missing. The required items and fees identified below must be timely submitted ALONG WITH THE PAYMENT OF A SURCHARGE for items 1 and 3-6 only of \$ 120.00 for a ☒ large entity ☐ small entity in compliance with 37 CFR 1.27. The surcharge is set forth in 37 CFR 1.16(e). Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required above to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

☐ If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ large entity ☐ small entity (verified statement filed), is \$ 1576.00.

☒ 1. The statutory basic filing fee is:

- ☐ missing.
☐ insufficient.

Applicant must submit \$ 790.00 to complete the basic filing fee and/or file a verified small entity statement claiming such status (37 CFR 1.27).

☒ 2. Additional claim fees of \$ 656.00, including any multiple dependent claim fees, are required.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing.
☐ does not cover the newly submitted items.
☐ does not identify the application to which it applies.
☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are:

- ☐ missing.
☐ by a person other than inventor or person qualified under 37 CFR 1.42, 1.43, or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$ _____ processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9. OTHER:

Direct the response and any questions about this notice to "Attention: Box Missing Parts."

RECEIVED

A copy of this notice **MUST** be returned with the response. MAR 09 1998

U.S. PROSECUTION

Customer Service Center
Initial Patent Examination Division (703) 308-1202

APPENDIX C

[illegible]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)
) Group Art Unit: 1643
Haruhiku Kouhara et al.)
) Examiner:
Serial No. 08/980,523)
)
Filed: December 1, 1997)
)
For: ADAPTOR PROTEIN FRS2 AND)
RELATED PRODUCTS AND METHODS)

SUBMISSION OF MISSING PARTS AND RELATED APPLICATION PAPERS

Box MISSING PARTS
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

1. DOCUMENTS ENCLOSED:

In response to the NOTICE TO FILE MISSING PARTS OF APPLICATION UNDER 37 CFR 1.53(f), which was mailed by the Patent Office on March 3, 1998, enclosed are:

- ☒ Combined Declaration and Power of Attorney, signed in counterpart
- ☒ Assignment of the invention to NEW YORK UNIVERSITY MEDICAL CENTER (together with PTO Form 1595)
- ☐ A Verified Statement to establish "Small Entity Status" under 37 CFR 1.9 and 1.27.
- ☒ A copy of the Notice to File Missing Parts of Application under 37 CFR 1.53(f).

CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

September 2, 1998
Date of Deposit
SD-80959.1


Robert Wickman

2. **REQUEST FOR EXTENSION OF TIME:**

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

- ☒ Applicant(s) petitions for an extension of time under 37 CFR 1.136 [fees: 37 CFR 1.17(a)-(d)] for the total number of months checked below:

EXTENSION (months)	FEE FOR SMALL ENTITY	FEE FOR OTHER THAN SMALL ENTITY
1 st month	<input type="checkbox"/> \$55.00	<input type="checkbox"/> \$110.00
1 st & 2 nd months	<input type="checkbox"/> \$200.00	<input type="checkbox"/> \$400.00
1 st , 2 nd & 3 rd months	<input type="checkbox"/> \$475.00	<input type="checkbox"/> \$950.00
1 st , 2 nd , 3 rd & 4 th months	<input type="checkbox"/> \$755.00	<input checked="" type="checkbox"/> \$1510.00

3. **FILING FEES**

BASIC FILING FEE:				\$790.00
Total Claims	19	- 20	= 0 x \$22	\$0.00
Independent Claims	11	- 3	= 8 x \$82	\$656.00
Multiple Dependent Claims			\$270 (if applicable)	\$0.00
Surcharge 37 CFR 1.16(e)			\$130 (if applicable)	\$130.00
TOTAL OF ABOVE CALCULATIONS				\$1,576.00
Reduction by ½ for Filing by Small Entity. Note 37 CFR 1.9, 1.27, 1.28. If applicable, Verified Statement must be attached.				\$0.00
Extension of Time (from above)				\$1,510.00
Assignment			\$40 (if applicable)	\$40.00
TOTAL FEES SUBMITTED HERewith				\$3,126.00

4. **METHOD OF PAYMENT OF FEES:**

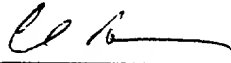
- ☒ A check in the amount of \$3,126.00 is enclosed to cover the above fee(s).
- ☐ Charge Deposit Account No. 12-2475 in the amount of

☒ The Commissioner is authorized to charge Counsel's Deposit Account No. 12-2475 for any fees required under 37 CFR 1.16, 1.17 and 1.445 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account 12-2475.

Respectfully submitted,

LYON & LYON LLP

Dated: 8-31-98

By: 
Charles S. Berkman
Reg. No. 38,077

633 West Fifth Street, Suite 4700
Los Angeles, California 90071-2066
(213) 489-1600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 038602/0132



Box DAC
Attn: Office of Petitions

In re patent application of
Haruhiku KOUHARA et al.
Serial No. 08/980,523

Filed: December 1, 1997

For: ADAPTOR PROTEIN FSR2 AND RELATED PRODUCTS
AND METHODS

Amedment Accompanying Change of Inventorship under 37 CFR § 1.48(a)

Assistant Commissioner of Patents and Trademarks
Washington, D.C. 20231

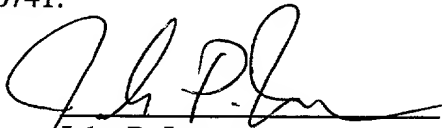
Sir:

The undersigned requests that the inventorship of the captioned application be amended to delete James W. Schilling, Jr. as an inventor of the subject matter claimed therein.

Submitted herewith under separate cover is a Petition to Correct Inventorship and a Fee as set forth in 37 C.F.R. § 1.17(i).

It is believed that no additional fees are required; however, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 19-0741.

Nov. 22, 2000
Date


John P. Isacson
Reg. No. 33,715

Foley & Lardner
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Washington D.C. 20007-5109
Telephone: (202) 672-5300
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Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 19-0741 for any such fees; and applicant(s) hereby petition for any needed extension of time.

002.399624.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 038602/0132

Box DAC

Attn: Office of Petitions

In re patent application of

Haruhiku KOUHARA et al.

Serial No. 08/980,523

Filed: December 1, 1997

For: ADAPTOR PROTEIN FSR2 AND RELATED PRODUCTS
AND METHODS

Petition to Correct Inventorship Under 37 C.F.R. § 1.48(b)

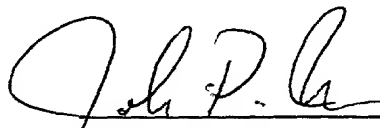
Assistant Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

James W. Schilling, Jr. was erroneously named as an inventor in the captioned application. James W. Schilling, Jr. is not an inventor of the subject matter claimed therein. Accordingly, the undersigned respectfully requests that James W. Schilling, Jr. be deleted from the inventorship of the captioned application.

Date

Nov. 22, 2000



John P. Isacson
Reg. No. 33,715

Foley & Lardner
3000 K Street, N.W.
Suite 500
Washington D.C. 20007-5109
Telephone: (202) 672-5300
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 038602/0132

Box DAC

Attn: Office of Petitions

In re patent application of

Haruhiku KOUHARA et al.

Serial No. 08/980,523

Filed: December 1, 1997

For: ADAPTOR PROTEIN FSR2 AND RELATED PRODUCTS
AND METHODS

Combined Petition to Withdraw Holding of Abandonment
Under 37 C.F.R. § 1.181(a)

and

Petition to Revive Unintentionally Abandoned Application
Under 37 C.F.R. § 1.137(b)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned hereby petitions the Commissioner to withdraw a holding of abandonment in the captioned application since the application was not in fact abandoned.

Facts

The captioned application was filed in the PTO with a specification, claims, abstract, and drawings on December 1, 1997 by virtue of the postcard acknowledging receipt of the same attached as APPENDIX A. The Application named Haruhiko Kouhara, Taly Spivak-Kroizman, James W. Schilling, Jr., Irit Lax, and Joseph Schlessinger as inventors.

002410362.1

The PTO issued a Notice to File Missing Parts (the Notice) dated March 3, 1998, attached as APPENDIX B, requiring Applicants to file, a filing fee and an Oath, and gave Applicants two months to respond, which period could be extended under 37 C.F.R. § 1.136, up to the final deadline of October 3, 1998.

Applicants timely filed a Response to the Notice (Response) on September 2, 1998 including a Combined Declaration and Power of Attorney correctly naming Haruhiko Kouhara, Taly Spivak-Kroizman, Irit Lax and Joseph Schlessinger as inventors.¹ The Response included Declarations from all of the named inventors except Irit Lax. A copy of the filed Response is attached as APPENDIX C.

Although the Declaration of Irit Lax was missing, the captioned application was nonetheless accepted, granted a Serial Number, and passed to the Examiner for examination on the merits. Applicants received a filing receipt before the case was passed to the Examiner, attached as APPENDIX D. In fact, a Notice of Allowance and Issue Fee Due was subsequently issued August 29, 2000, and is attached as APPENDIX E. The issue fee will be timely paid.

Applicants never received a Notice of Abandonment from the PTO indicating abandonment of the application for failure to submit a Declaration for Irit Lax in response to the Notice. However, Applicants were notified telephonically on October 19, 2000 in an interview with Examiner Hiram Bernstein that the case was abandoned for failure to submit the missing Declaration in response to the Notice.

Points to be Reviewed

37 C.F.R. 1.53(f) provides that, where a filing date has been assigned to an application filed under 37 C.F.R. § 1.53(b) or 37 C.F.R. § 1.53(d), the Applicant will be notified and be given a period of time in which to file the missing fee, oath or declaration, and to pay the surcharge due in order to prevent abandonment of the application. The time period usually set is 2 months from the date of notification by the Patent and Trademark Office. This time period may be extended under 37

¹ James W. Schilling, Jr. is not an inventor as he provided technical assistance to the listed inventors. Irit Lax is an inventor of the allowed claims 09/980,523. See concurrently filed Change of Inventorship under 37 C.F.R. § 1.48(b).

002410362.1

C.F.R. § 1.136(a). The Oath or Declaration filed in reply to such a Notice under 37 C.F.R. § 1.53(f) must be executed by the inventors. See M.P.E.P. § 601.01(a).

Here, the Office may attempt to improperly assert that the captioned application was constructively abandoned for failure to submit the Declaration of Irit Lax in response to the Notice. However, Applicants properly replied to the Notice, as demonstrated their Response attached as APPENDIX C. Moreover, 37 C.F.R. § 1.53(h) indicates that a patent application will not be forwarded for examination on the merits until all required parts have been received. Here, the PTO expressly forwarded the application to the Examiner for examination on the merits after Applicants filed the Response including the Declarations of the inventors, and therefore, manifestly indicated that the filed Declarations satisfied requirements for responding to the Notice. Accordingly, the captioned application should not be held to be constructively abandoned since Applicants completely responded to the Notice.

Submitted herewith as APPENDIX F is the Declaration of Irit Lax as merely a Declaration supplemental to those previously filed. Such Oaths and Declarations may be filed as a matter of right after allowance, and when received they will be placed in the file by the Office of Patent Publication. See M.P.E.P. § 603.01. Applicants submit that the Declaration should not be filed or considered as amendments under 37 C.F.R. § 1.312, since it makes no change in the wording of the papers on file. See M.P.E.P. § 603.01.

Request

Based on the foregoing, the undersigned hereby requests the Commissioner to withdraw a holding of abandonment in the captioned application for failure to respond to the Notice.

If however the Commissioner finds that the application was constructively abandoned, the undersigned hereby petitions the Commissioner under 37 C.F.R. § 1.137(b) to revive U.S. Application Serial No. 08/980,523 which was unintentionally abandoned for failure to timely respond to the Notice. The requirements of 37 C.F.R. § 1.137(b) are satisfied as follows:

(1) A Declaration by inventor Irit Lax attached as APPENDIX F;

(2) The Commissioner is hereby authorized to charge a petition fee of \$1,240.00 set forth in 37 C.F.R. § 1.17(m) to Deposit Account No. 19-0741; and

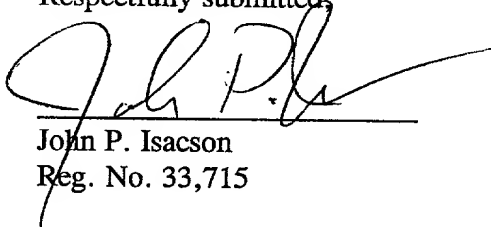
(3) The entire delay in filing the required reply from the due date for the reply until the filing of the instant petition pursuant to 37 C.F.R. § 1.137(b) was unintentional.

Accordingly, Applicants believe that the captioned application is not abandoned. However, if necessary, the requirements of 37 C.F.R. § 1.137(b) are met, and respectfully urge the Commissioner to revive their application. If there are any questions regarding this submission, the Patent Office is invited to contact the undersigned at the telephone number set forth below.

November 22, 2000

Date

Respectfully submitted,



John P. Isacson
Reg. No. 33,715

FOLEY & LARDNER
3000 K Street, N.W.
Suite 500
Washington, D.C. 20007-5109
Tel: (202) 672-5300
Fax: (202) 672-5399

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 19-0741 for any such fees; and applicant(s) hereby petition for any needed extension of time.

AUTHENTICATION OF SIGNATURE

אימות חתימה

I the undersigned, Adv. Uri SEgal
Notary at Rishon-Lezion Israel
hereby certify that on 26/07/98
there appeared before me at my office:

אני הח"מ עו"ד אורי סגל
נוטריון ב' רח' רוטשילד 43 ראשל"צ
מאשר כי ביום 26/07/98 ניצב לפני במשרדי:

~~Mr. (Mrs. Miss)~~ Taly Spivak-Kroizman
who is known to me personally (~~whose~~
~~identity was proved to me by identity~~
signed of his (her) (their) own free
will the above document (the attached
the document marked 'A') (the
document overleaf).

מר(ת) טלי ספיבק-קרויזמן
הידוע לי ידיעה אישית, ~~שהוכח לי~~
~~על-פי העדות והוכח(ה)/דרכוכו(ה)~~
וחתם מרצונו החופשי על המסמך שלעיל
(המצורף והמסומן באות/במספר 'א'
(שמעבר לדף).

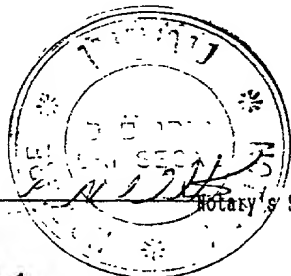
In witness whereof I hereby authenticate
the signature(s) of Mr. (Mrs., Miss)
Tali Spivak- Kroizman
by my own signature and seal this 26/07/98

ולראיה הנבי מאמת את חתימתו של מר(ת)(ה"ה)
טלי ספיבק- קרויזמן
בחתימת ידי ובחותמי, היום 26/07/98

NIS.131.-NIS fees charged including v.a.t.

שכר בסך 131.- ש"ח נדרש כולל מע"מ

Signature



Notary's Seal

חתימה _____
החתם הנוטריון

Person appeared,
separately,
which his
ad.
cable.

* ניצבו יותר מאדם אחד, יש לפרט בשמו של
כל אחד לחד בציור דרך והוכחת הזהרת
שנקט לגביו.
הערה: מחק את השערון מחיקה